

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CATHY ENWERE,

No. C-11-3834 EMC

Plaintiff,

v.

**ORDER RE PLAINTIFF'S "SECOND
AMENDED ANSWER"**

SAUER & WAGNER LAW FIRM,

(Docket No. 13)

Defendant.

Previously, the Court granted Plaintiff Cathy Enwere's application to proceed in forma pauperis but dismissed her complaint because, based on the factual allegations therein, Defendants were immune from suit based on the litigation privilege as codified in California Civil Code § 47(b)(2). The dismissal was without prejudice, *i.e.*, Ms. Enwere was given the opportunity to file an amended complaint containing new factual allegations to support her claims for defamation and slander. *See* Docket No. 10 (Order at 2-3). On September 13, 2011, Ms. Enwere filed a response to the Court's order. The Court construed the response as a motion to reconsider and denied the motion. In the same order, the Court reiterated to Ms. Enwere that she needed to timely file an amended complaint or judgment would be entered against her. *See* Docket No. 12 (Order at 2). Ms. Enwere has now filed a "second amended answer," which the Court construes as an amended complaint.


As a preliminary matter, the Court notes that the filing was one day late. But because Ms. Enwere is a pro se litigant, the Court declines to dismiss her case on that basis. The Court, however, shall dismiss the case -- and with prejudice -- because, in her amended complaint, Ms. Enwere has

1 failed to plead any new factual allegations to support her claims for defamation and slander, and thus
2 the litigation privilege bars her suit. The Court acknowledges Ms. Enwere's contention that
3 Defendant Laurie D. Hiller was essentially "stereotyping" Ms. Enwere on the basis of her race.
4 FAC at 2. The Court also acknowledges Ms. Enwere's assertion that Ms. Hiller's statements were
5 false. But those claims do not change the fact that Ms. Hiller's statements were made to Judge
6 White as part of a lawsuit, and therefore, under the law, the litigation privilege applies.

7 Accordingly, the Court instructs the Clerk of the Court to close the file in this case.

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9 IT IS SO ORDERED.

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11 Dated: September 28, 2011

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13 
EDWARD M. CHEN
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

CATHY ENWERE,

Plaintiff,

v.

SAUER AND WAGNER LAW FIRM et al,

Defendant.

Case Number: CV11-03834 EMC

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 28, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Cathy Enwere
1263 Madera Avenue
Menlo Park, CA 94025

Dated: September 28, 2011



Richard W. Wieking, Clerk
By: Betty Lee, Deputy Clerk